

## CIVIL COVER SHEET

JUDGE FOR FILE

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use by the Clerk of Court for the purpose of initiating the civil docket sheet.

14 CV 1352

## PLAINTIFFS

United States of America

## DEFENDANTS

Michael Dibella, Barbara Dibella, M&amp;T Bank Corporation

## ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Arastu K. Chaudhury  
USAO SDNY, 86 Chambers Street, 3rd Floor, New York, NY 10007  
(212) 637-2633

## ATTORNEYS (IF KNOWN)

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)  
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

26 U.S.C. 7403; foreclosure action based on federal tax lien

Has this action, case, or proceeding, or one essentially the same been previously filed in SDNY at any time? No  Yes  Judge Previously Assigned

If yes, was this case Vol.  Invol.  Dismissed. No  Yes  If yes, give date \_\_\_\_\_ & Case No. \_\_\_\_\_

Is THIS AN INTERNATIONAL ARBITRATION CASE? No  Yes 

(PLACE AN [x] IN ONE BOX ONLY)

## NATURE OF SUIT

|  |  | TORTS  | ACTIONS UNDER STATUTES                         |   |  |   |   |
|--|--|--|--|---|--|---|---|
| CONTRACT   | PERSONAL INJURY                                  | PERSONAL INJURY                                    | FORFEITURE/PENALTY                             | BANKRUPTCY                                  | OTHER STATUTES   |   |   |
| [ ] 110 INSURANCE  | [ ] 310 AIRPLANE                                 | [ ] 362 PERSONAL INJURY - MED MALPRACTICE          | [ ] 610 AGRICULTURE                            | [ ] 422 APPEAL                              | [ ] 400 STATE  | REAPPORTIONMENT                             |   |
| [ ] 120 MARINE   | [ ] 315 AIRPLANE PRODUCT LIABILITY               | [ ] 365 PERSONAL INJURY PRODUCT LIABILITY          | [ ] 620 OTHER FOOD & DRUG                      | [ ] 423 WITHDRAWAL                          | [ ] 410 ANTITRUST  | [ ] 430 BANKS & BANKING                     |   |
| [ ] 130 MILLER ACT   | [ ] 320 ASSAULT, LIBEL & SLANDER                 | [ ] 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY | [ ] 625 DRUG RELATED                           | 21 USC 881                                  | [ ] 423 WITHDRAWAL   | [ ] 450 COMMERCE                            | [ ] 460 DEPORTATION   |
| [ ] 140 NEGOTIABLE INSTRUMENT                                | [ ] 330 FEDERAL EMPLOYERS' LIABILITY             |  | [ ] 630 LIQUOR LAWS                            | PROPERTY RIGHTS                             | [ ] 470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO) | [ ] 480 CONSUMER CREDIT                     |   |
| [ ] 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT    | [ ] 340 MARINE LIABILITY                         | PERSONAL PROPERTY                                  | [ ] 640 RR & TRUCK                             | [ ] 820 COPYRIGHTS                          | [ ] 490 CABLE/SATELLITE TV                                     | [ ] 510 SELECTIVE SERVICE                   |   |
| [ ] 151 MEDICARE ACT   | [ ] 345 MARINE PRODUCT LIABILITY                 | [ ] 370 OTHER FRAUD                                | [ ] 650 AIRLINE REGS                           | [ ] 830 PATENT                              | [ ] 850 SECURITIES/ COMMODITIES/ EXCHANGE                      | [ ] 875 CUSTOMER CHALLENGE                  | [ ] 880 OTHER STATUTORY ACTIONS                                   |
| [ ] 152 RECOVERY OF DEFECTUALD STUDENT LOANS (EXCL VETERANS) | [ ] 350 MOTOR VEHICLE                            | [ ] 371 TRUTH IN LENDING                           | [ ] 660 OCCUPATIONAL SAFETY/HEALTH             | [ ] 840 TRADEMARK                           | [ ] 881 AGRICULTURAL ACTS                                      | [ ] 882 ECONOMIC STABILIZATION ACT          | [ ] 883 ENVIRONMENTAL MATTERS                                     |
| [ ] 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS        | [ ] 355 MOTOR VEHICLE PRODUCT LIABILITY          | [ ] 380 OTHER PERSONAL PROPERTY DAMAGE             | [ ] 690 OTHER                                  | SOCIAL SECURITY                             | [ ] 884 ENERGY ALLOCATION ACT                                  | [ ] 885 FREEDOM OF INFORMATION ACT          | [ ] 890 OTHER STATUTORY ACTIONS                                   |
| [ ] 160 STOCKHOLDERS SUITS                                   | [ ] 360 OTHER PERSONAL INJURY                    | [ ] 385 PROPERTY DAMAGE PRODUCT LIABILITY          | LABOR  | [ ] 861 HIA (1395ff)                        | [ ] 886 DIWC/DIWV (405(g))                                     | [ ] 891 12 USC 3410                         | [ ] 892 OTHER STATUTORY ACTIONS                                   |
| [ ] 190 OTHER CONTRACT                                       |  | PRISONER PETITIONS                                 | [ ] 710 MOTIONS TO VACATE SENTENCE 28 USC 2255 | [ ] 720 LABOR/MGMT RELATIONS                | [ ] 863 DIWC/DIWV (405(g))                                     | [ ] 893 ENERGY ALLOCATION ACT               | [ ] 894 ENERGY ALLOCATION ACT                                     |
| [ ] 195 CONTRACT PRODUCT LIABILITY                           | ACTIONS UNDER STATUTES                           | CIVIL RIGHTS                                       | [ ] 730 REPORTING & DISCLOSURE ACT             | FEDERAL TAX SUITS                           | [ ] 864 SSID TITLE XVI   | [ ] 895 FREEDOM OF INFORMATION ACT          | [ ] 896 ENVIRONMENTAL MATTERS                                     |
| [ ] 196 FRANCHISE  | CIVIL RIGHTS                                     | [ ] 530 HABEAS CORPUS                              | [ ] 740 RAILWAY LABOR ACT                      | [ ] 870 TAXES (U.S. Plaintiff or Defendant) | [ ] 865 RSI (405(g))   | [ ] 897 ENERGY ALLOCATION ACT               | [ ] 898 ENVIRONMENTAL MATTERS                                     |
|  |  | [ ] 535 DEATH PENALTY                              | [ ] 790 OTHER LABOR LITIGATION                 | [ ] 871 IRS-THIRD PARTY                     | 26 USC 7609  | [ ] 899 CONSTITUTIONALITY OF STATE STATUTES | [ ] 900 APPEAL OF FEE DETERMINATION UNDER EQUAL ACCESS TO JUSTICE |
|  |  | [ ] 540 MANDAMUS & OTHER                           | [ ] 791 EMPL RET INC SECURITY ACT              |   |  |   |   |
| REAL PROPERTY  |  |  |  | IMMIGRATION                                 |  |   |   |
| [ ] 210 LAND CONDEMNATION                                    | [ ] 444 WELFARE                                  | PRISONER CIVIL RIGHTS                              |  | NATURALIZATION APPLICATION                  |  |   |   |
| [x] 220 FORECLOSURE  | [ ] 445 AMERICANS WITH DISABILITIES - EMPLOYMENT | [ ] 550 CIVIL RIGHTS                               | [ ] 462  | HABEAS CORPUS- ALIEN DETAINEE               |  |   |   |
| [ ] 230 RENT LEASE & EJECTION                                | [ ] 446 AMERICANS WITH DISABILITIES - OTHER      | [ ] 555 PRISON CONDITION                           | [ ] 463  | OTHER IMMIGRATION ACTIONS                   |  |   |   |
| [ ] 240 TORTS TO LAND  | [ ] 440 OTHER CIVIL RIGHTS (Non-Prisoner)        |  | [ ] 465  |   |  |   |   |
| [ ] 245 TORT PRODUCT LIABILITY                               |  |  |  |   |  |   |   |
| [ ] 290 ALL OTHER REAL PROPERTY                              |  |  |  |   |  |   |   |

Check if demanded in complaint:

 CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.? IF SO, STATE:

DEMAND \$ \_\_\_\_\_ OTHER \_\_\_\_\_ JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

Check YES only if demanded in complaint  
JURY DEMAND:  YES  NO

NOTE: You must also submit at the time of filing the Statement of Relatedness form (Form IH-32).

(PLACE AN X IN ONE BOX ONLY)

- |   |   |  |   |  |   |  |
|---|---|--|---|--|---|--|
| <input checked="" type="checkbox"/> 1 Original Proceeding | <input type="checkbox"/> 2 Removed from State Court | <input type="checkbox"/> 3 Remanded from Appellate Court | <input type="checkbox"/> 4 Reinstated or Reopened | <input type="checkbox"/> 5 Transferred from (Specify District) | <input type="checkbox"/> 6 Multidistrict Litigation | <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge Judgment |
| <input type="checkbox"/> a. all parties represented       |   |  |   |  |   |  |
| <input type="checkbox"/> b. At least one party is pro se. |   |  |   |  |   |  |

(PLACE AN X IN ONE BOX ONLY)

- |  |   |   |                                      |
|--|---|---|--------------------------------------|
| <input checked="" type="checkbox"/> 1 U.S. PLAINTIFF | <input type="checkbox"/> 2 U.S. DEFENDANT | <input type="checkbox"/> 3 FEDERAL QUESTION<br>(U.S. NOT A PARTY) | <input type="checkbox"/> 4 DIVERSITY |
|--|---|---|--------------------------------------|

BASIS OF JURISDICTION

IF DIVERSITY, INDICATE CITIZENSHIP BELOW.  
(28 USC 1332, 1441)

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

|                          |              |              |   |              |              |   |              |              |
|--------------------------|--------------|--------------|---|--------------|--------------|---|--------------|--------------|
| CITIZEN OF THIS STATE    | PTF<br>[ ] 1 | DEF<br>[ ] 1 | CITIZEN OR SUBJECT OF A FOREIGN COUNTRY                   | PTF<br>[ ] 3 | DEF<br>[ ] 3 | INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE | PTF<br>[ ] 5 | DEF<br>[ ] 5 |
| CITIZEN OF ANOTHER STATE | [ ] 2        | [ ] 2        | INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE | [ ] 4        | [ ] 4        | FOREIGN NATION  | [ ] 6        | [ ] 6        |

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO:  WHITE PLAINS  MANHATTAN  
(DO NOT check either box if this a PRISONER PETITION/PRISONER CIVIL RIGHTS COMPLAINT.)

DATE 3/6/2014 SIGNATURE OF ATTORNEY OF RECORD *A.J. D*

ADMITTED TO PRACTICE IN THIS DISTRICT

[ ] NO

YES (DATE ADMITTED Mo. 01 Yr. 2010)  
Attorney Bar Code # AC 0101

RECEIPT #

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge \_\_\_\_\_ is so Designated.

Ruby J. Krajick, Clerk of Court by \_\_\_\_\_ Deputy Clerk, DATED \_\_\_\_\_.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)